BILL NO. G-76-05- 11

GENERAL ORDINANCE NO. G- 16-76

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission on July 28, 1975 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. State., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to-wit:

Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lots # 9 and # 10 of J. O. Black's Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 5-11-76 CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	8	0		1	
BURNS	X				
HINGA	X				
HUNTER	X				
MOSES	X				
NUCKOLS				A	
SCHMIDT, D.	X				
SCHMIDT, V.	X				
STIER	X				
TALARICO	X				

DATE: 6-8-76 Charles W. Westerman F.E. CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (~~Annexation~~) (Special) (Appropriation) Ordinance (Resolution, No. 172-76 on the 8th day of June, 197 6.

ATTEST: (SEAL)

Charles W. Westerman F.E. CITY CLERK James S. Stier PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 197 6, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman F.E. CITY CLERK

Approved and signed by me this 9th day of June, 197 6, at the hour of 5:00 o'clock P. M., E.S.T.

Robert Armstrong MAYOR

Bill No. G-76-05-11

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain street.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance 100 PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

CONCURRED IN

DATE 6/8/76 CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

April 27, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following described street:

Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lots # 9 and # 10 of J. O. Black's Addition.

The Plan Commission recommends that all be vacated except the north 10 feet of Bauer Avenue for future improvement of Tillman Road.

This vacation was approved by the City Plan Commission at its regular meeting held July 28, 1975.

Respectfully submitted

CITY PLAN COMMISSION

Certified and signed this
27th day of April, 1976.

Joseph N. Adair

Joseph N. Adair
Secretary

R E S O L U T I O N

WHEREAS, Richard L. Moser and George Robbins, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Allen County, Indiana, to-wit:

> Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lots # 9 and # 10 of J. O. Black's Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 28, 1975, at 7:30 P.M. (EST), and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved;

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on July 28, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated this 28th day of July, 1975.

FORT WAYNE CITY PLAN COMMISSION

Vivian G. Schmidt

Vivian G. Schmidt
President

PETITION TO VACATE STREET

TO THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

AND

THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

Gentlemen:

The undersigned petitioners, do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following street located within the City of Fort Wayne, Indiana, and hereby described as follows:

Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lots # 9 and # 10 of J. O. Black's Addition.

Your petitioners represent that:

1. That no other person, firm, or corporation is interested in or affected by the requested vacation.
2. That street is not necessary as ingress or egress to any other property whatsoever.
3. That street is unopened and unimproved.
4. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Burns Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 25th day of June, 1975

Richard L. Moser
Richard L. Moser
2220 Tillman Road
(Lot # 9, J. O. Black's Addition)

George F. Robbins
George Robbins
2314 Tillman Road
(Lot # 10, J. O. Black's Addition)

Number assigned by Bill Salin's office: # 3196 Admn. Appr._____

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance M-76-05-11

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following described street:

Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lots # 9 and # 10 of J. O. Black's Addition.

EFFECT OF PASSAGE Street is presently unimproved and unopened. If vacated, street would be utilized by abutting property owners.

EFFECT OF NON-PASSAGE Street would remain as is.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Regulations

CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

June 10, 1976

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates June 14 and June 21, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-76-05-10
General Ordinance No. G-15-76

Bill No. Z-76-04-23
Zoning Map Ordinance No. Z-08-76

Bill No. Z-76-04-22
Zoning Map Ordinance No. Z-07-76

Bill No. Z-76-03-33
Zoning Map Ordinance No. Z-06-76

Bill No. Z-76-03-32
Zoning Map Ordinance No. Z-05-76

Bill No. G-76-05-11
General Ordinance No. G-16-76

Bill No. G-76-05-12
General Ordinance No. G-17-76

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 7

Form Prescribed by State Board of Accounts

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To THE NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	
Body	number of lines	98
Tail	number of lines	2
	Total number of lines in notice	100

COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines at .288¢ per line $ 28.80

Additional charge for notices containing rule or tabular work (50 per cent of above

r extra proofs of publication (50 cents for each proof in excess of two) 1.50

OTAL AMOUNT OF CLAIM $ 30.30

ING COST

ingle column 11 ems Size of type 5½ point

f insertions 2 Size of quad upon which type is cast 5½

sion and penalties of Ch. 89, Acts 1967.

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just rt of the same has been paid.

V. E. Gerken

, 19 76 Title CLERK

Notice is hereby given that on the 8th day of June, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-76-05-11 G-16-76 General Ordinance, to-wit:
BILL NO. G-76-05-11
GENERAL ORDINANCE NO. G-16-76
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission on July 28, 1975 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stats., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to-wit:
Bauer Avenue, extending south 320 feet from the south right-of-way of Tillman Road, to its terminus, located between Lot No. 9 and No. 10 of J.O. Black's Addition.
SECTION 2. After passage of this ordinance, approval by the Mayor and legal publication, a duty certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.
SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.
John Nuckols
Councilman
Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage.
PASSED by the following vote:
Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: One
Nuckols Date: 6-8-76 Charles W. Westerman-ne
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-76 on the 8th day of June, 1976.
ATTEST: (SEAL)
Charles W. Westerman-ne
City Clerk
James S. Stier
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1976, at the hour of 11:00 o'clock A.M., E.S.T.
Charles W. Westerman-ne
City Clerk
Approved and signed by me this 9th day of June, 1976, at the hour of 3:00 o'clock P.M., E.S.T.
Robert E. Armstrong
Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-16-76 passed by the Common Council on the 8th day of June, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 9th day of June, 1976 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 9th day of June, 1976.
Charles W. Westerman
CITY CLERK

6—14-21

COPY OF MENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA
town }
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

6/14-21/76

V. E. Gerken

Subscribed and sworn to before me this 21st day of June 19 76

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

Fort Wayne Common Council
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines at .288¢ cents per line	$ 28.80
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	1.50
TOTAL AMOUNT OF CLAIM	$ 30.30

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date June 21, 19 76 — Title CLERK

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State of Indiana } ss:
ALLEN County }

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6/14-21/76

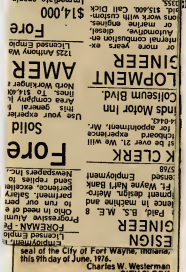
V. E. Gerken

Subscribed and sworn to before me this 21st day of June, 19 76

Notary Public

My commission expires September 28, 1979

COPY OF ADVERTISEMENT HERE



Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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Orvilla DeWald

Title CLERK

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Notice is hereby given that on the 8th day of June, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-76-05-11 G-16-76 General Ordinance, to-wit:

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SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Shier, Talarico
Nays: None
Absent: One
Nuckols Date: 6-8-76 Charles W. Westerman-ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-76 on the 8th day of June, 1976.

ATTEST: (SEAL)
Charles W. Westerman-ne
City Clerk
James S. Shier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1976, at the hour of 11:00 o'clock A.M., E.S.T.
Charles W. Westerman-ne
City Clerk

Approved and signed by me this 9th day of June, 1976, at the hour of 5:00 o'clock P.M., E.S.T.
Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-16-76 passed by the Common Council on the 8th day of June, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 9th day of June, 1976 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 9th day of June, 1976.

Charles W. Westerman
CITY CLERK

6—14 21

OPY OF
ENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

6/14-21/76

Orvilla DeWald

Subscribed and sworn to before me this 21st day of June 19 76

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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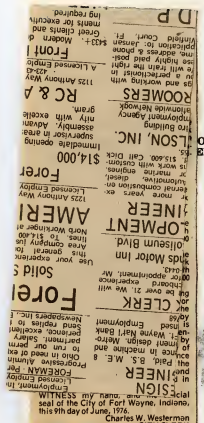
Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date June 21, 19 76 — Title CLERK



COPY OF
ENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

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Arvilla DeWald

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My commission expires September 28, 1979